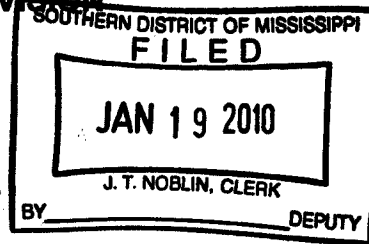


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

ALAN VALENTINE, INDIVIDUALLY,
AND ON BEHALF OF ALL
OTHER SIMILARLY SITUATED INDIVIDUALS



PLAINTIFF

VS.

CAUSE NO. 3:10CV40 WHB-LRA

PLAINS ALL AMERICAN GP, LLC

DEFENDANT

COMPLAINT

JURY TRIAL DEMANDED

COMES NOW Plaintiff by and through his attorneys, and files this Complaint on behalf of himself and all other similarly situated individuals against Plains All American GP, LLC(hereinafter "Defendant"), pursuant to the Fair Labor Standards Act for unpaid overtime wages. The actions of Defendant constitutes a willful violation of the Fair Labor Standards Act.

PARTIES

1. Plaintiff, Alan Valentine, is an adult resident citizen of Jasper County, Mississippi, with a mailing address of P.O. Box 1541, Bay Spring, Mississippi 39422.
2. Defendant, Plains All American GP, LLC ("Defendant") is a corporation in the State of Mississippi with a principal place of business in Houston, Texas, and may be served with process through its registered agent, Corporation Service Company, 506 S. President Street, Jackson, Mississippi 39201

3. The Defendant falls within the definition of a covered employer as set out in Section 203 of the Fair Labor Standards Act.

JURISDICTION

4. Jurisdiction of this civil action is conferred by Section 16(b) of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 216(b) and venue is proper in this Court.

FACTS

5. Plaintiff and other similarly situated employees were employed with the Defendant in the past three (3) years as drivers for the Defendant.

6. As an employee of the Defendant the Plaintiff and other similarly situated drivers normally had to work over forty (40) hours each week.

7. While employed as drivers the Plaintiff and other similarly situated drivers were paid based on a commission pay per load delivered.

8. Plaintiff and other similarly situated drivers were never compensated at a rate of one and one-half (1 ½) their hourly rate for overtime hours worked in each work week.

COUNT I

VIOLATION OF THE FAIR LABOR STANDARDS ACT

9. Plaintiff and other similarly situated supervisors were non-exempt employees and subject to the provisions of the Fair Labor Standards Act as it pertains to whether or not Plaintiff were entitled to minimum wage and overtime pay for all hours over forty (40) hours worked in a given week.

10. The Fair Labor Standards Act requires that employees be paid an overtime

premium at a rate not less than one and one-half (1 ½) times the regular rate at which they are employed for all hours in excess of forty (40) hours in a work week. 29 U.S.C. § 207(a).


11. Plaintiff and other similarly situated drivers have not been paid overtime compensation under the Fair Labor Standards Act at a rate of 1 ½ their regular rate of pay.

12. The acts of the Defendant constitutes a willful intentional violation of the Fair Labor Standards Act.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands a judgment against the Defendant for all monies owed for the hours worked, overtime wages for all hours worked over forty (40), an additional equal amount or liquidated damages, attorney fees, and Court costs; an accounting for all state and federal taxes owed by the Defendant on behalf of the Plaintiff and other similarly situated drivers.

THIS, the 19th day of January, 2010.

Respectfully submitted,

By: 

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